

MICHELE BECKWITH
Acting United States Attorney
MATHEW W. PILE, WSBN 32245
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration
JULIE A.K. CUMMINGS, HSBA 10635
Special Assistant United States Attorney
6401 Security Boulevard
Baltimore, Maryland 21235
Telephone: (410) 966-1551
E-Mail: Julie.Cummings@ssa.gov
Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAQUELINE AGUILAR HERRERA,)	Case No.: 2:24-cv-03552-JDP
)	
Plaintiff,)	STIPULATION FOR THE AWARD AND
)	PAYMENT OF ATTORNEY FEES AND
vs.)	EXPENSES PURSUANT TO THE EQUAL
)	ACCESS TO JUSTICE ACT, 28 U.S.C.
COMMISSIONER OF SOCIAL SECURITY,)	§ 2412(d), AND COSTS PURSUANT TO 28
)	U.S.C. § 1920; PROPOSED ORDER
)	
Defendant.)	
)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount \$7,750.00 (SEVEN THOUSAND SEVEN HUNDRED FIFTY dollars) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment

1 will depend on whether the fees are subject to any offset allowed under the United States
2 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
3 government will determine whether they are subject to any offset.

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
5 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,
6 expenses and costs to be made directly to counsel, Francesco Benavides, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
10 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
11 bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have relating
12 to EAJA attorney fees or costs in connection with this action.

13 This award is without prejudice to the rights of counsel and/or counsel's firm to seek
14 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
15 provisions of the EAJA.

16 Respectfully submitted,

17
18 Date: April 18, 2025

19 Law Offices of Francesco P. Benavides
20 /s/ Francesco Paulo Benavides *
21 FRANCESCO PAULO BENAVIDES
(as authorized by email on 4/18/25)
Attorney for Plaintiff

22 Date: April 18, 2025

23 MICHELE BECKWITH
Acting United States Attorney
24 MATHEW W. PILE
Associate General Counsel
25 Social Security Administration


26 /s/ Julie A.K. Cummings
27 JULIE A.K. CUMMINGS
Special Assistant United States Attorney
28 Social Security Administration
Attorney for Defendant

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$7,750.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: April 22, 2025



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE